

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ORDER AND JUDGMENT

Having received no objections thereto,

IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge Thomas C. Mummert, III (#18), filed August 28, 2009 be and is **SUSTAINED**, **ADOPTED**, and **INCORPORATED** herein.

IT IS FURTHER ORDERED that the final decision of the Commissioner denying the plaintiff's application for disability insurance benefits be and is **REVERSED**.

IT IS FINALLY ORDERED, ADJUDGED, AND DECREED that pursuant to Sentence Four of 42 U.S.C. §405(g), this case is **REMANDED** to the Commissioner for further proceedings in accordance with the Magistrate Judge's findings. This Court does not retain jurisdiction of this case.

Dated this 9th day of April, 2009.

Stephen A. Fairbaugh Jr.

UNITED STATES DISTRICT JUDGE

